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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,031	07/07/2003	Toshio Fujiwara	503.35636CP3	9394

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EXAMINER

HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
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2677

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/613,031	Applicant(s) FUJIWARA ET AL.	
	Examiner Chante Harrison	Art Unit 2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed on 4/14/05. ***This action is made FINAL.***
2. Claims 1-8 are pending in this application. Claims 1,2 and 5-8 are independent claims. Claims 1, 2 and 5-8 have been amended.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas Wolzien, US 2003/0212996 A1, 11/2003.

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As per independent claim 1, Wolzien discloses a map storage device for storing map data (Fig. 7 "612"; pp. 11, Para 80); a map display for displaying said map by using said map data (Fig. 4 "204"); a retrieval condition setting device for setting up a retrieval condition by adding a size information of a car in order to display a retrieval result as an icon on said map display (i.e. specifying an address in a query that retrieves maps and associated data, such that icons may identify locations on a map based on a user profile specifying a vehicle type) (pp. 10, Para 80; pp. 13, Para 103; pp. 7-8, Para 58); a communication equipment for transmitting said retrieval condition to an information offering equipment, and for receiving position information of said map and facility information offered by facilities (pp. 11, Para 86; Fig. 5); an icon display for displaying said icon based on said facility information at a position on said map corresponding to said position information (pp. 13, Para 97 & 103); and a path retrieval device for setting a position as a goal position or a path through position corresponding to said icon selected and retrieving a course so as to display the same, when selecting said icon displayed on said icon display (pp. 10, Para 78).

Wolzien fails to specifically disclose a retrieval condition setting device for setting up a retrieval condition.

Wolzien teaches inputting an address that is extracted by an access system and used to provide corresponding map data.

It would have been obvious to one of skill in the art to include a retrieval condition setting device for setting up a retrieval condition with the system of Wolzien because the

acceptance of input data, such as an address, that designates the type of data that is queried and retrieved creates a condition that determines the data that will be returned.

As per independent claim 2, Wolzien discloses a communication equipment for receiving information including position information of said icon which is retrieved according to said retrieval condition by said information offering equipment (pp. 1, Para 86; pp. 13, Para 103; Fig. 5); an icon retrieving device for retrieving information of said icon according to said retrieval condition from said map storage (pp. 3, Para 17); and an icon display for displaying said icon based on at least one of said shape information and said image data at a position on said map corresponding to said position information (pp. 9, Para 68; pp. 13, Para 103).

Wolzien fails to specifically disclose retrieving shape information of said icon according to said retrieval condition from said map storage device and for demanding said communication equipment to provide image data of said icon corresponding to said shape information of said icon, when said icon retrieving device may not retrieve said shape information from said map storage device.

Wolzien teaches retrieving icons that represent a symbol having a shape (i.e. an icon associated with McDonalds is in the shape of an M) (pp. 13, Para 103); and communication equipment providing image data of an icon (i.e. a display of a video image related to a destination provided by the communication equipment) (pp. 9, Para 68; Fig. 5).

It would have been obvious to one of skill in the art to include retrieving shape information of an icon and providing image data of the icon when shape information is not available with the system of Wolzien because providing additional content with displayed map data, where the content may be represented by icons having either a shape or an image related to the displayed map data enables the visual display of at least a shape or an image, in the absence of one or the other, of advertised information associated with the map.

The rationale as applied in the rejection of claim 1 applies herein.

As per dependent claims 3 and 4, Wolzien fails to disclose said retrieval condition comprises a central position of a retrieved area of said map.

Wolzien teaches displaying icons associated with a retrieved address, where the icons are within a radius of the user's location (pp. 13, Para 103).

It would have been obvious to one of skill in the art to incorporate the retrieval condition comprising a central position of a retrieved area of the map with the disclosure of Wolzien because the display of associated map data within a radius of a specified location results in the display of data centrally located relative to the specified position.

As per independent claim 5, Wolzien discloses transmitting said retrieval condition to an information offering equipment (i.e. access system extracts address to access online information provider) (pp. 2, Para 11; Fig. 5).

The rationale as applied in the rejection of claim 1 applies herein.

As per independent claim 6, Wolzien discloses setting range of retrieval domain as a retrieval condition (pp. 9, Para 74).

The rationale as applied in the rejection of claim 1 applies herein.

As per independent claim 7, Wolzien discloses; a communication equipment for receiving a retrieval command from said user (Fig. 5); wherein said communication equipment sends said retrieval result within said retrieval domain to said user (i.e. a map and associated data of facilities within a user selected geographical area is returned for display) (pp. 13, Para 103).

Wolzien fails to specifically disclose an authentication equipment for authenticating a user by receiving an access from said user.

Wolzien teaches user access of public or private networks of information providers to retrieve maps and associated data (pp. 5, Para 34).

It would have been obvious to one of skill in the art to include authentication equipment for authenticating a user by receiving an access from said user with the system of Wolzien because public and private networks that provide information via the Internet may employ user authentication to access provider information.

The rationale as applied in the rejection of claim 6 applies herein.

As per independent claim 8, the rationale applied in the rejections of claims 1 and 6 apply herein.

Response to Arguments

3. Applicant's arguments filed 4/14/05 have been fully considered but they are not persuasive.

Applicant argues Wolzien fails to disclose the limitation in the combination of each of claims 1, 2 and 5-8, inter alia, a navigation display system that includes setting up a retrieval condition by adding a size information of a car in order to display a retrieval result as an icon on the map display, or setting retrieval attribute data with the position information and a range of retrieval domain as a retrieval condition by adding a size information of a car, or retrieval equipment for retrieving based on a retrieval condition by adding a size information of a car included in the retrieval command.

In reply, Wolzien suggests adding size information of a car as a retrieval condition as he discloses pushing information to a user based on data saved in a user profile. Wolzien discloses the user profile identifies how and when the user desires to retrieved information based on user defined variables, which include the type of vehicle driven (pp. 7-8, Para 58). Thus, the use of a profile, which saves variables defining the

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conditions upon which to retrieve data, allows for automatic retrieval of data without resetting the conditions as does the Applicant's invention (per Applicant's Remarks, pp. 10-11, Para 1).

Applicant's argue (pp. 11, Para 1) Wolzien has a valid priority date of May 17, 2000 as US Patent 5,761,606, which is Wolzien's earliest priority date of February 8, 1996, does not disclose or render obvious the claims of the present application.

a. In reply, US Patent 5,761,606 discloses user access of online media services, which results in display of icons representative of the accessed data. Patent 606' further discloses display of the icons within a picture in picture; and selection of an icon results in the display of additional information related to the site. Therefore, the 606' patent renders obvious the claims of the present application. Additionally, Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 571-272-7659. The examiner can normally be reached on Monday, Tuesday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chante Harrison
Examiner
Art Unit 2675

June 14, 2005



SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER